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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,189	09/12/2003	Darwin Mitchel Hanks	200310345-1	8310
22879 7590 03/27/2009 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				
EXAMINER LAMB, CHRISTOPHER RAY				
ART UNIT 2627		PAPER NUMBER		
NOTIFICATION DATE 03/27/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JERRY.SHORMA@HP.COM

mkraft@hp.com

ipa.mail@hp.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DARWINMITCHEL HANKS
and ANDREW L. VAN BROCKLIN

Application No. 10/661,189
Technology Center: 2600

Mailed: March 27, 2009

Before GLORIA HENDERSON, *Review Team Paralegal*
HENDERSON, *Review Team Paralegal*.

This application was received electronically at the Board of Patent Appeals and Interferences on January 29, 2009. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

APPEAL BRIEF, STATUS OF CLAIMS

A review of the file finds that the status of the claims as provided in the Appeal Brief filed July 18, 2008 under the heading “Status of Claims” is unclear and/or is not consistent with the status of claims of record in accordance with 37 CFR 41.37(c)(1)(iii). The status of the claims as provided in the Appeal Brief must be consistent with the last entered amendment. Each claim on appeal must be identified. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8th ed. Rev. 6, Sept 2007) for details.

A review of the last entered amendment finds that claims 47-50 have been canceled, whereas appellant did not indicate. Correction of the status of claims is required.

APPEAL BRIEF/GROUNDS OF REJECTION

On July 18, 2008, appellants filed an Appeal Brief. A review of the file reveals that under the Argument Section, states that Claims 1, 3, 4, 7, 13, 15, 16, 19-21, 25-29, 34, 35, 38-40, 45, 46, 51 and 52 stand rejected under 35 U.S.C. § 103(a)....., which is not consistent as amended in the Amendment filed February 15, 2008. An Advisory Action filed by the examiner on March 21, 2008, states that the amendment would be entered. The amendment filed February 15, 2008 canceled claim 7. Appropriate correction is required, for clarification of the record,

A Supplemental Appeal Brief is required for the Status of Claims and Grounds of Rejection.

EXAMINER'S ANSWER/GROUNDS OF REJECTION

Also, the Examiner's Answer mailed September 17, 2008 is defective, since it states under the Grounds of Rejection that Claims 1, 3, 4, 7, 13, 15, 16, 19-21, 25-29, 34, 35, 38-40, 45, 46, 51 and 52 stand rejected under 35 U.S.C. § 103(a)..... The amendment filed February 15, 2008 canceled claim 7. Appropriate correction is required, for clarification of the record,

CONCLUSION

Accordingly, it is

ORDERED that the application is being electronically returned to the Examiner:

- 1) 1) to hold the Appeal Brief filed July 18, 2008, defective;
- 2) notify appellants to file a Supplemental Appeal Brief with a the correct information for the Status of Claims and for the claims under the Argument section of the Appeal Brief;
- 3) consider the Supplemental Appeal Brief and if the Supplemental Appeal Brief is in compliance, issue and mail a Form PTOL-90 acknowledging receipt and consideration of the Supplement Brief;
- 4) vacate the Examiner's Answer mailed September 17, 2008, and mail a Supplemental Examiner's Answer with the correct information for the claims under the Grounds of Rejection; and

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5) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

HEWLETT PACKARD COMPANY
P.O. BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400